

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION PROHIBITING THE USE OF ALTERNATIVE NICOTINE PRODUCTS  
AND VAPOR PRODUCTS ON PROPERTY OWNED OR CONTROLLED BY THE CITY  
OF IOWA CITY ON WHICH SMOKING IS CURRENTLY PROHIBITED BY STATE LAW  
OR CITY CODE**

WHEREAS, Chapter 142D of the Iowa Code, the Iowa Smokefree Air Act prohibits “smoking” in certain public spaces, places of employment and outdoor areas, including enclosed City buildings and vehicles operated by the City, the public grounds immediately adjacent to City buildings and bus shelters; and,

WHEREAS, the Smokefree Air Act expressly authorizes a person having custody or control of property to declare property that is otherwise exempt under the Smokefree Air Act to be a non-smoking place; and,

WHEREAS, in Chapter 10 of Title 6, “Public Health and Safety”, the City has declared additional areas to be smoke free places including the airport, municipal parking ramps, City Plaza except for alleys and certain areas of Iowa City parks, and,

WHEREAS, electronic cigarettes are not covered by the Iowa Smokefree Air Act; and,

WHEREAS, in 2014 the Iowa legislature adopted HF 2109, which, among other things, requires retailers of “alternative nicotine products” or “vapor products” (which includes electronic cigarettes) to obtain a tobacco permit, prohibits the sale of these products to persons under the age of 18 and the possession or purchase of these products by persons under the age of 18 and limits the places where these products can be given away; and,

WHEREAS, the Johnson County Department of Public Health made a presentation about e-cigarettes to the City Council on September 2, 2014; and,

WHEREAS, said presentation demonstrated that e-cigarettes contain varying amounts of nicotine and volatile organic compounds that are not healthy for human inhalation, that marketing tactics show an attempt to lure youth, that there is no evidence that being exposed to the vapor is safe, that the three largest tobacco companies are in the business of marketing e-cigarettes, that use of e-cigarettes among middle and high school students has more than doubled, and that e-cigarettes threaten to undo decades of public health work in tobacco control; and,

WHEREAS, a number of cities throughout the United States are prohibiting the use of e-cigarettes in places where traditional cigarette use is prohibited; and,

WHEREAS, the City Council finds that the use of e-cigarettes presents a serious and unknown public health threat and that in the interests of protecting the health of the public and providing a healthy work-place environment for its employees the City of Iowa City should prohibit the use

of e-cigarettes on property owned or controlled by the City on which smoking of traditional cigarettes is prohibited.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IOWA CITY, IOWA, THAT:

1. It shall be the policy of the City of Iowa City that "alternative nicotine products" and "vapor products" shall be prohibited in all places and on all property owned or controlled by the City on which smoking is currently prohibited either by the Iowa Smokefree Air Act, Chapter 142D of the Code of Iowa or Chapter 10. "Smoke Free Places" of Title 6 of the City Code, as said laws now exist or are hereafter amended.
2. The terms "alternative nicotine products" and "vapor products" as used herein shall be defined as those terms are defined in Section 453A.1 of the Iowa Code.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR

Approved by

*Eva Ori* 9-10-14

City Attorney's Office

ATTEST: \_\_\_\_\_

CITY CLERK